

Sec. 10-272. Prohibited locations—For abattoirs.

(a) It shall be unlawful for any person to erect, establish, enlarge, or expand an abattoir or slaughterhouse in the corporate limits of the city within 3,000 feet of any:

- (1) Church;
- (2) Public park;
- (3) School;
- (4) Hospital;
- (5) College or university; or
- (6) Any dwelling resided in by anyone other than the applicant or employees of such abattoir or slaughterhouse.

(b) The measurement of such distance of 3,000 feet shall be in a straight line from the nearest point on the nearest real property line of such church, public park, school, hospital, college, university or dwelling to the nearest exterior portion of any building, outbuilding, structure or facility used or useful in connection with such abattoir or slaughterhouse to be erected. No building permit shall be issued by the building official for the erection or construction of any such abattoir or slaughterhouse within such three-thousand-foot distance.

(c) This section shall not apply to abattoirs or slaughterhouses in existence on January 23, 1957, to the extent that they were then in existence, but shall apply to all additions and extensions to such existing abattoirs or slaughterhouses.
(Code 1968, § 10-324; Ord. No. 81-1458, § 3, 8-4-81; Ord. No. 90-635, § 38, 5-23-90)

Sec. 10-273. Same—For rendering plants.

(a) It shall be unlawful for any person to erect, establish, enlarge or expand a rendering plant in the corporate limits of the city within 600 feet of any:

- (1) Church;
- (2) Public park;
- (3) School;
- (4) Hospital;

- (5) College or university;
- (6) Established eating place; or
- (7) Any dwelling resided in by anyone other than the applicant or employees of the rendering plant.

(b) The measurement of such distance of 600 feet shall be in a straight line from the nearest point on the nearest real property line of the church, public park, school, hospital, college, university, eating establishment, or dwelling to the nearest exterior portion of any building, outbuilding, or structure or facility used or useful in connection with the rendering plant to be erected.

(c) This section shall not apply to rendering plants in existence on October 27, 1965, to the extent that they were then in existence, but shall apply to all additions and extensions to such existing rendering plants.

(Code 1968, § 10-325; Ord. No. 81-1458, § 3, 8-4-81)

Secs. 10-274—10-295. Reserved.

ARTICLE VIII. BUILDINGS CONSTITUTING FIRE HAZARDS GENERALLY

Sec. 10-296. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Building*. The term "building" is used in this article in its customary and ordinary meaning, but where a shed or attachment has been built onto an original structure, or where two or more buildings have been joined together, or where a second building has been built adjacent to the first and utilizes a wall of the first building as a party wall, all parts shall be considered one building.
- (2) *Combustible fibre*. The term "combustible fibre" shall mean and include cotton, sisal, henequen, ixtle, jute, hemp, tow, co-

coa, fibre, oakum, baled waste, baled waste-paper, kapok, hay, straw, Spanish moss and excelsior.

- (3) *Lodging house.* The term "lodging house" is used in this article in its ordinary and customary meaning and shall also mean and include hotels, boardinghouses, rooming houses, tenement houses, or any other house (by whatever name known) used and occupied, or designed and constructed so that the same may be used and occupied, for the permanent or temporary occupancy for living quarters for ten or more persons.
- (4) *Owner.* The term "owner" is used in this article in its customary and ordinary meaning and, in addition thereto:
 - a. If the building is owned by two or more persons, each shall be responsible hereunder as an owner.
 - b. If the building is owned or leased by a corporation, the president, the general agent (if there be one), the general manager (if there be one), and each member of the board of directors shall be responsible hereunder as an owner.
 - c. If the building is owned by one and leased to another, the responsibility hereunder shall be the responsibility of both the lessor and lessee and each or both may be held accountable for a violation hereof, and the term "owner" shall include "lessee."
 - d. If the building is the property of an estate under administration, in custodia legis, or held in trust, the executor, administrator, guardian, receiver or trustee shall be responsible hereunder as an owner.

(Code 1968, § 18-35; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-297. Purpose and intent.

The purpose and intent of this article is to protect human life from destruction by fire. The chief offense denounced herein is the offense of

permitting a building to be occupied by human beings when there is serious danger of loss of life from conflagration of the building due to dangerous conditions therein existing. All persons have a lawful right to peaceable occupancy and use of property owned by them but no person has a right to occupy or use or to profit from the occupancy or use of a building which seriously hazards human life, and the police power of the state, delegated to this city, is hereby invoked in prevention thereof. Connected offenses are also denounced by this article in furtherance of the principal intent.

(Code 1968, § 18-36; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-298. Fire hazards enumerated.

The following shall be considered fire hazards:

- (1) Any building containing electrical wiring or appliances in a dangerous and defective condition likely to cause fire. Electrical wiring and appliances installed or in use that are not in compliance with the provisions of any ordinance of the city regarding wiring and appliances and the installation thereof shall be deemed dangerous and defective.
- (2) Any building containing gas plumbing or appliances in a dangerous and defective condition likely to cause fire. Gas plumbing or appliances installed or in use that are not in compliance with the provisions of any ordinance of this city regulating plumbing and appliances and the installation thereof shall be deemed dangerous and defective.
- (3) Any building where flammable or combustible liquids are used or stored in violation of any applicable provisions of the Fire Code.
- (4) Any building of wooden frame construction wherein any cafe or restaurant business is operated, unless the walls and ceilings of that portion of the building in which the cafe or restaurant is operated are separated from the remainder of the building by one-hour fire-resistive materials as defined in the Building Code.

- (5) Any building of wooden frame construction wherein any automobile repair or service business is carried on unless fire-resistive separation is installed as provided in item (4) above.
- (6) Any building of wooden frame construction wherein any combustible fibers are stored in quantities in excess of 100 cubic feet or wherein combustible fibers of a quantity less than 100 cubic feet are stored other than in a metal-lined wooden bin equipped with a self-closing metal cover.
- (7) Any lodging house being operated in a two-story building of wooden frame construction; provided, however, that no such lodging house shall constitute a fire hazard if:
 - a. The ceiling of the first floor is separated from the floor of the second by one-hour fire-resistive materials as defined in the Building Code; and
 - b. The walls between the rooms are insulated by one-hour fire-resistive materials as defined in the Building Code that extend from ceiling to floor; and
 - c. The stairways, including the doors, platforms, landings, railings and corridors or passageways constructed in connection therewith, in all ways conform to the provisions of the Building Code; and
 - d. The floors, walls, and frame of the house are in safe and sound structural condition; and
 - e. The building does not otherwise constitute a fire hazard as defined herein.
- (8) Any wooden frame building a substantial portion of which is in a state of dilapidation and in an advanced stage of rot and the deteriorated condition of the building renders its occupancy extremely hazardous to human life due to the increased likelihood of the occurrence of fire and the increased danger of its rapid and violent spread.

- (9) Though not otherwise defined herein, any building wherein there exists a dangerous, defective and hazardous condition the nature of which renders the occupancy of the building an extreme risk to human life and the continued existence of which will, under all probabilities, result in a loss of human life.

(Code 1968, § 18-37; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 95-279, § 9, 3-15-95; Ord. No. 02-399, § 36, 5-15-02)

Sec. 10-299. Initial placarding.

(a) Whenever the fire marshal shall find that any building within the city constitutes a fire hazard, he shall forthwith cause to be posted on or near the front door of such building, in as conspicuous a manner as possible, a substantial placard upon which shall be printed in red, in letters at least 2½ inches high, the words "WARNING—FIRE HAZARD," and on which placard there shall also appear the following words:

"THIS BUILDING IS A FIRE HAZARD. ITS OCCUPANCY IS DANGEROUS TO HUMAN LIFE. THE OWNER AND ALL OCCUPANTS ARE DIRECTED BY LAW TO COMMUNICATE IN PERSON OR BY TELEPHONE, IMMEDIATELY, WITH THE OFFICE OF THE FIRE MARSHAL OF THE CITY OF HOUSTON."

(b) Such placard may contain other information deemed advisable by the fire marshal. Like placards shall be placed in or on other portions of the building as may be deemed necessary by the fire marshal.

(Code 1968, § 18-38; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-300. Notice to owner.

(a) The fire marshal shall give notice to the owner of the building placarded in accord with section 10-299 of this Code that the same constitutes a fire hazard, stating substantially what conditions exist giving rise to same and substantially what measures should be taken to abolish the hazard. Such notice shall normally be given in

writing by mail or delivery, but may be given orally if the circumstances are urgent and delay would endanger life.

(b) The fire marshal shall find and determine from the existing facts what maximum amount of time may be safely permitted the owner to abolish the fire hazard, without materially increasing the danger of life, and shall specify in his notice to the owner the extent of such time limit.

(c) Where the fire marshal cannot, by the exercise of reasonable diligence, ascertain the identity or the residence of the owner, or is wholly unable to communicate with him for any reason, it shall be sufficient for the fire marshal to post a written notice near his placard on the building. (Code 1968, § 18-39; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-301. Duty of owner to abolish hazard.

(a) Whenever any owner shall be given notice as provided in section 10-300 of this Code, he shall forthwith take such action as may be necessary to abolish the fire hazard. He shall do so by either correcting the physical condition or conditions which cause fire, or by causing the building to be vacated of human occupancy. Purported or alleged inability to abolish the hazard in one way will not excuse failure to abolish it in the other. He shall take all necessary action and abolish the fire hazard within the time limit which the fire marshal has found from the facts may safely be allowed.

(b) Any owner of any building who shall receive notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and shall fail or refuse to abolish the fire hazard within the maximum time limit found by the fire marshal as provided in section 10-300 of this Code shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00). Each day such fire hazard continues to exist after the expiration of the time limit shall constitute a separate offense.

(Code 1968, § 18-40; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 24, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-302. Acceptance of rent prohibited until hazard abolished.

(a) Any owner of any building who shall receive notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and shall fail or refuse to abolish the fire hazard within the maximum time limit found by the fire marshal as provided in section 10-300 of this Code and shall, after the expiration of such time limit, accept payment of rent from any person as consideration for occupying such building or any portion thereof shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00). This offense shall be separate and distinct from the offense denounced in section 10-301 of this Code. Each acceptance of payment of rent shall constitute a separate offense.

(b) Any owner of any building who has received the notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code and, without abolishing the fire hazard, thereafter rents any portion of the building to some person not theretofore renting or occupying same, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00).

(Code 1968, § 18-41; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 25, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-303. Discontinuing electric service.

When any fire hazard is permitted to continue in existence by the owner after receiving the notice provided in section 10-300 of this Code, and after the expiration of the time limit as determined under section 10-300 of this Code, if the fire marshal shall find and determine from the facts that the danger to human life is materially increased by the electrical wiring and appliances present in the building, he shall give notice to the public utility company supplying electrical current to such building, to disconnect its service and forthwith cease supplying electrical current thereto. It shall thereupon be the duty of the chief officer of the company in active charge of its operations to cause such service to be disconnected and the supply of electrical current discontinued, immediately.

(Code 1968, § 18-42; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-304. Discontinuing gas service.

When any fire hazard is permitted to continue in existence by the owner after receiving the notice provided in section 10-300 of this Code, and after the expiration of the time limit as determined under section 10-300 of this Code, if the fire marshal shall find and determine from the facts that the danger to human life is materially increased by the gas plumbing and appliances present in the building, he shall give notice to the public utility company supplying gas to such building, to disconnect its service and forthwith cease supplying gas thereto. It shall thereupon be the duty of the chief officer of the company in active charge of its operations to cause such service to be disconnected and the supply of gas discontinued, immediately.

(Code 1968, § 18-43; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-305. Second placarding.

(a) Whenever the fire marshal shall find that a fire hazard continues to exist after the giving of notice and the expiration of the time limit provided in sections 10-300 and 10-301 of this Code, he shall cause to be posted on or near the front door of such building, in as conspicuous a manner

as possible, a second substantial placard upon which shall be printed in red in letters at least two and one-half (2½) inches high the words, "SECOND WARNING—FIRE HAZARD," and on which placard there shall also appear the following words:

"THE TIME LIMIT HAS EXPIRED FOR THE CORRECTION OF THE CONDITIONS WHICH MAKE THIS BUILDING A FIRE HAZARD, AND THEY HAVE NOT BEEN CORRECTED.

"THE FURTHER OCCUPANCY OF THIS BUILDING BY ANY PERSON IS PROHIBITED BY LAW AS IT IS DANGEROUS TO LIFE.

"THIS NOTICE IS POSTED (Here the notice shall show the date and hour). ALL PERSONS ARE REQUIRED BY LAW TO VACATE SAME NOT LATER THAN FORTY-EIGHT HOURS AFTER SUCH TIME, AND ARE PROHIBITED FROM RE-ENTERING SAME UNTIL THE FIRE MARSHAL FINDS THAT THE FIRE HAZARD HAS BEEN ABOLISHED.

"FOR FURTHER INFORMATION, CALL THE FIRE MARSHAL OF THE CITY OF HOUSTON."

(b) Such placard may contain other information deemed advisable by the fire marshal. (Code 1968, § 1844; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-306. Unlawful occupancy or entry.

After forty-eight (48) hours from the stated hour of the posting of the second placard pursuant to section 10-305 of this Code, as shown therein, it shall be unlawful for any person to occupy the building as living quarters or to enter or remain in same except for short visits not exceeding thirty (30) minutes in any one day, during daylight hours, after first giving notice to the fire marshal's office of intention to enter; provided, that, after first giving notice to the fire marshal's office and subject to his regulation, the owner may cause persons to enter the premises for the purpose of correcting the physical conditions which give rise to the hazard.

(Code 1968, § 18-45; Ord. No. 73-2079, 1, 11-21-73)

Sec. 10-307. Allowing reoccupancy without correcting hazardous condition.

Any owner of any building who receives a notice from the fire marshal that the building is a fire hazard as provided in section 10-300 of this Code, and abolishes the fire hazard by causing the building to be vacated of human occupancy and thereafter reconstitutes the fire hazard by allowing or causing human occupancy to be resumed without correcting the hazardous physical condition of the building shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00) and each day that such reconstituted fire hazard continues to exist shall be a separate offense. No additional notice from the fire marshal shall be required in such cases.

(Code 1968, § 18-46; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 26, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-308. Unlawful removal or defacing of placards.

Any person who shall tear down or deface any placard posted by the fire marshal under the provisions of this article shall be guilty of a misdemeanor and, upon conviction, fined not less than two hundred fifty dollars (\$250.00) nor more than two thousand dollars (\$2,000.00).

(Code 1968, § 18-47; Ord. No. 73-2079, § 1, 11-21-73; Ord. No. 92-1449, § 27, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 10-309. Removal of placards after conditions remedied.

Whenever the fire marshal finds that the physical conditions causing a fire hazard defined in this article no longer exist, he shall forthwith notify the owner and remove his placard or placards.

After such finding, it shall be lawful to occupy the building.

(Code 1968, § 1848; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-310. Enforcement officers.

For the purpose of the enforcement of this article, any assistant fire marshal, city arson investigator or inspector of the fire prevention division of the fire department shall be deemed to be a deputy of the fire marshal and any of the powers and duties given the fire marshal by this article may be exercised by any such deputy on behalf of the fire marshal.

(Code 1968, § 18-49; Ord. No. 73-2079, § 1, 11-21-73)

Sec. 10-311. Alternative remedies.

Any building in which one or more of the fire hazard conditions enumerated in section 10-298 above exists is hereby declared a public nuisance and a fire hazard. The fire marshal is hereby expressly authorized and directed to take or initiate appropriate action for the abatement thereof pursuant to this article or any other applicable provisions of this Code, including without limitation, article IX of this chapter and the city's Fire Code. Notwithstanding, the availability of any other remedies and sanctions the fire marshal is authorized and directed to proceed with immediate abatement action pursuant to this article whenever he finds upon inspection thereof that the continued occupancy of any building constitutes a substantial hazard to human life from potential conflagration of the building.

(Code 1968, § 18-50; Ord. No. 73-2079, § 1, 11-21-73)

Secs. 10-312—10-315. Reserved.

ARTICLE IX. COMPREHENSIVE URBAN REHABILITATION AND BUILDING MINIMUM STANDARDS*

DIVISION 1. GENERALLY

Sec. 10-316. Title.

This article is, and may be cited as, the "Houston Comprehensive Urban Rehabilitation and Building Minimum Standards Code."
(Ord. No. 93-1570, § 1, 12-8-93)

Sec. 10-317. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved means approved by the neighborhood protection official for the purposes of this article. Approvals under this article shall be issued in the same manner as provided in the Building Code.

Balcony means a landing or porch projecting from the wall of a building that serves as a required exit.

Basement means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a first story if the floor level is not more than four feet below grade for more than 50 percent of the total perimeter, or not more than eight feet below grade at any point.

***Editor's note**—Ord. No. 93-1570, § 1, adopted Dec. 8, 1993, repealed former art. IX, §§ 10-326—10-347, which pertained to dangerous buildings, and enacted a new art. IX to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

Section 4 of said Ord. No. 93-1570 read as follows:

"The provisions of Section 1 of this Ordinance, wherein the Building and Standards Commission of the City of Houston is reorganized, shall not be construed to remove any regular or alternate member of such commission heretofore appointed by the Mayor and confirmed by the City Council; instead, such members of the commission as it existed on the date of passage of this Ordinance shall have their membership transfer according to their odd or even numbered position to any of the other four commission panels as created in Section 1 of this Ordinance."